

REMARKS

Claims 1-6, 11-25, 30-35 and 37 were examined on their merits. Claims 7-10, 26-29, and 36 have been withdrawn as drawn to a non-elected subspecies. Claims 38-61 were withdrawn as being drawn to a non-elected group. Claims 2, 11, 21, and 38-61 have been canceled herein. Claims 1, 3, 5, 6, 18-21, 23, 25, 30, and 34-35 have been amended. Claims 62-90 are added. Support for these amendments and new claims are identified in the following remarks. No new matter has been added by these amendments. Examination and reconsideration of all pending claims are respectfully requested.

Information Disclosure Statement

Applicant submits herewith an Information Disclosure Statement that Applicant wishes to be considered. Applicant respectfully request that the Examiner expressly consider and initial the references of record in the Information Disclosure Statement provided herewith and that the references appear among the "References Cited" of any patent that issues.

Objection to the Drawings

The Examiner has objected to the drawings as not showing every feature of the invention specified in the claims. Specifically, the Examiner stated that the drawings failed to show the flap formed of a layer that is secured to another layer. Such an objection is traversed as follows.

Applicant respectfully refers the Examiner to Figure 27 which shows a flap formed of a layer secured to another layer. One example of such a configuration is described on page 44, lines 10-17 of the originally filed specification which describes a flap 268 formed from

a third layer of flexible material 271 folded back on itself about the connector 266 and secured to a second layer of flexible material 272.

For the above reasons, Applicant submits that the originally filed drawings show all of the elements in claims 11 and 30 and that no corrections to the drawings are needed.

Objections to the Specification

The Examiner has objected to the specification for certain informalities and these have been corrected. In particular, Applicant has updated the blanks under "Related Applications" in the specification to recite the serial numbers assigned to the pending patent applications. No new matter has been added.

Furthermore, per the request of the Examiner, Applicant has amended the sentence ending on page 4, line 5 to recite "The connector member can be an annular connector member suitable for connection to an expandable member or stent." No new matter has been added, as such an amendment has support throughout the originally filed specification. See for example, page 40, lines 14-16.

Objections to the Claims

Claims 20, 23, 34, and 35 were objected to for certain informalities and typographical errors. Applicant has amended claims 20, 23, 34, and 35 to correct the perceived informalities. Applicant has also amended dependent claims 3 and 5 to correct various informalities. Such corrections do not narrow the scope of the claims. No new matter has been added thereby.

Claim Rejections under 35 U.S.C. §112

Claims 2, 6, 11, 18, 19, 21, 25, 30 and 34 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

While Applicant does not agree with all of the Examiner's rejection of the claims as being "indefinite," to expedite prosecution Applicant has amended claims 6, 18, 19, 25, 30, and 34. No new matter has been introduced by such amendments.

Claim Rejections under 35 U.S.C. §102

Claims 1, 3-5, 13-20, 22-24 and 32-35 are rejected under 35 U.S.C. §102(b) as being anticipated by Houser et al. Such rejections are overcome in part and traversed in part as follows.

While Applicant does not agree with the Examiner's rejections, to expedite prosecution, Applicant has amended independent claims 1, 19, 20, 34, and 35. Applicant herein reserves the right to pursue claims of similar scope of the originally filed claims in a later filed continuation or continuation-in-part application.

Applicant has amended claim 1 by incorporating the subject matter of allowable dependent claim 2. Claim 1 should now be in condition for allowance. Dependent claims 3-6 and 12-18 should be allowable at least for depending on an allowable independent claim. Since amended independent claim 1 is still generic to the non-elected subspecies, Applicant respectfully requests that withdrawn dependent claims 7-10 be considered, as provided by 37 C.F.R. § 1.141.

Claim 20 has been amended to incorporate the subject matter of allowable dependent claim 21. Claim 20 should now be in condition for allowance. Dependent claims 22-25 and 30-33 should be allowable at least for depending from allowable independent claim 20. Since amended independent claim 20 is still generic to the non-elected subspecies, Applicant respectfully requests that withdrawn dependent claims 26-29 be considered, as provided by 37 C.F.R. § 1.141.

Independent claims 19 and 34 have been amended to incorporate similar claim limitations as independent claims 1 and 20. As such, amended independent claims 19 and 34 should also be allowable.

To expedite prosecution of the present application and to move the present application to issuance, Applicants have amended claim 35. Amended independent method claim 35 provides a method for forming a joint between a connector member and a multi-layered flexible material portion of an endovascular graft. Claim 35 further recites fixing a flap of the flexible material portion about at least a portion of the connector member so as to form a looped portion about the connector member and securing the flap of the flexible material to itself. The tensile force on the connector member is transferred into a shear component of force on the fixed portion of the flap. Such a method is not described or suggested by the cited art. Consequently, independent claim 35 should be allowable over the cited art. For at least the same reasons, dependent claim 37 should also be allowable. Since amended independent claim 35 is still generic to the non-elected subspecies, Applicant respectfully requests that withdrawn dependent claim 36 be considered, as provided by 37 C.F.R. § 1.141.

Claim Rejections under 35 U.S.C. §103(a)

Claims 6, 25 and 37 are rejected under 35 U.S.C. §103(a) as being unpatentable over Houser et al. in view of Edwin et al. Dependent claims 6, 25, and 37 are allowable for at least the reason of depending from an allowable independent claim.

Withdrawn Claims

Based on the above amendments to the claims, Applicant believes that the independent claims are allowable and still generic to the claimed subspecies and respectfully requests that withdrawn dependent claims 7-10, 26-29, and 36 be examined.

Added Claims

To more fully claim the novel aspects of the present invention, Applicant has added new claims 62-90. Claims 62-90 claim subject matter that is not described or suggested

by the cited references. For example, new independent claim 62 provides an endovascular graft or section thereof that comprises a generally tubular flexible material portion. A serpentine expandable member is circumferentially oriented about a circumference of the generally tubular flexible material portion. The expandable member is secured to the generally tubular flexible material portion with a joint that includes at least one flap of the flexible material portion folded back and secured to form a loop portion about the serpentine expandable member. Such a configuration is not described or suggested by the cited references.

New independent claim 69 provides an endovascular graft or section thereof that comprises a multi-layered flexible material portion that comprises at least two layers. An inflatable channel is formed between two layers of the flexible material portion. An expandable member is positioned at or adjacent an end of the flexible material portion. The expandable member is secured to at least one layer of the flexible material portion with a joint that includes at least one flap of the flexible material folded back and secured to form a loop portion about the expandable member. Such an endovascular graft or portion thereof is not described or suggested by the cited references.

Independent claim 74 provides an endovascular graft or section thereof comprising a flexible material portion comprising a plurality of layers and a member secured to the flexible material portion with a joint that includes at least one flap of the flexible material folded back and secured to form a loop portion about the member. The loop portion is formed of a layer that is secured to itself. The cited art does not appear to describe or suggest such an endovascular graft.

Independent claim 90 provides an endovascular graft or section thereof comprising a flexible material portion comprising a plurality of layers and a member secured to the flexible material portion with a means for joining that includes at least one flap means of the

flexible material that forms a loop portion that is secured to itself. The cited art does not appear to describe or suggest such an endovascular graft.

CONCLUSION

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 206-467-9600.

Respectfully submitted,

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